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51  
52 UNITED STATES DISTRICT COURT FOR THE  
53 NORTHERN DISTRICT OF CALIFORNIA

54 **NATIONAL FAIR HOUSING ALLIANCE;** )  
55 )  
56 **FAIR HOUSING ADVOCATES OF** )  
57 **NORTHERN CALIFORNIA; and** )  
58 )  
59 **BLDS, LTD d/b/a BLDS, LLC;** )  
60 )  
61 Plaintiffs, )  
62 )  
63 v. )

64 ) Case No. 4:20-cv-07388-JSW

1 )  
 2 **MATT AMMON, Acting Secretary of the U.S.** )  
 3 **Department of Housing and Urban** )  
 4 **Development, in his official capacity; and** )  
 5 )  
 6 **U.S. DEPARTMENT OF HOUSING AND** )  
 7 **URBAN DEVELOPMENT;** )  
 8 )  
 9 )  
 10 Defendants. )

7

8 **PLAINTIFFS' OPPOSITION TO DEFENDANTS'**  
 9 **MOTION FOR A 60-DAY STAY OF CASE DEADLINES**

10 Plaintiffs National Fair Housing Alliance, Fair Housing Advocates of Northern California and  
 11 BLDS, Ltd. oppose the motion of Defendants United States Department of Housing and Urban  
 12 Development (“HUD”) and Matt Ammon, in his official capacity as Acting Secretary of HUD, for a  
 13 60-day stay of this action. *See* Dkt. No. 50 (Feb. 11, 2021) (“Defs.’ Mot.”). Plaintiffs agree that a stay  
 14 is appropriate, but respectfully submit that a 30-day stay would be more suitable for the reasons set  
 15 forth below.

16 As Defendants state, there have been two important developments since Plaintiffs filed this  
 17 lawsuit, which challenges HUD’s adoption of a final rule dramatically altering how disparate impact  
 18 claims are adjudicated under the Fair Housing Act, 42 U.S.C. § 3601 *et seq.* First, a preliminary  
 19 injunction was entered staying the effective date of the rule in another case. *See* Mem. & Order,  
 20 *Massachusetts Fair Housing Center v. HUD*, No. 3:20-cv-11765-MGM (Oct. 25, 2020). Defendants  
 21 state that they do not seek to lift that stay. *See* Defs.’ Mot. at 2. Second, President Biden issued a  
 22 memorandum directing HUD to examine the rule at issue. *See id.* at 2-3. Defendants state that they  
 23 are “considering [HUD]’s path forward in implementing the Presidential directive.” *Id.* at 3.

24 Plaintiffs agree that litigating this dispute would be inefficient at this time due to these  
 25 developments, warranting a stay. But as HUD considers its “path forward,” the length of that stay is  
 26 important. HUD has announced no timetable for its examination of the rule or making any decision  
 27 about whether to withdraw or revise it in any respect. A sixty-day stay absent a timetable, with the

1 prospect of subsequent requests to extend the stay in additional sixty-day increments, would leave  
2 Plaintiffs to face a lengthy period of uncertainty about a rule that affects them significantly.

3 A shorter thirty-day stay will make it more likely that this case moves forward – one way or  
4 another – as expeditiously as possible. It will allow Defendants adequate time to chart HUD’s “path  
5 forward” and assure that Plaintiffs and the Court are informed of that path without unnecessary delay.  
6 If within thirty days HUD provides a timetable or otherwise demonstrates substantial progress in  
7 implementing the Presidential Memorandum, Plaintiffs will be open to considering an extension of the  
8 stay. In this way, sooner rather than later, the Court will have the information it needs to best manage  
9 this litigation.

10 Plaintiffs therefore propose a thirty-day stay, with the parties to file a joint status report before  
11 the end of that period.

12  
13 Dated: February 16, 2021

14 Respectfully Submitted,

15 /s/ Glenn Schlaactus  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of February, 2021, a true and correct copy of the foregoing Plaintiffs' Opposition to Defendants' Motion For a 60-Day Stay of Case Deadlines was filed through this Court's CM/ECF system, which will send notification of such filing on all counsel of record.

/s/ Glenn Schlactus  
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